port and maintenance, according to his condition in life, was not liable to seizure for his debts. But any accumulation above the sum needed for the beneficiary's support is liable for his debts. *Leigh* v. *Harrison*, 11 So. Rep. 604 (Miss.).

This is an extraordinary decision. Even admitting the soundness of the doctrine of so-called spendthrift trusts, the decision in this case goes further in three respects. 1. The direction in the will to pay over the whole income was absolute, and not discretionary, as in *Nichols* v. *Eaton*, 91 U. S. 716, the case cited as the chief authority for the decision; nor was it a direction to provide for the maintenance of the son, as in *Re Bullock*, 54 L. T. N. S. 736. The will contained no direction that the income should not be liable for debts, as in *Fisher* v. *Taylor*, 2 Rawle, 33. 3. The decision was reached, notwithstanding a provision in the code that estates of any kind held for another "shall be subject to like debts and charges of the person to whose use" they are held, as they would have been if the person had owned a like interest therein "as he may own in the uses or trusts thereof."

REVIEWS.

THE HISTORY OF THE DOCTRINE OF CONSIDERATION IN ENGLISH LAW (Yorke Prize Essay for 1891). By Edward Jenks, M. A. London: C. J. Clay & Sons. 1892.

This little book is very suggestive, and well worth the attention of any one who cares for the history of the law. The first chapter (by means of twelve canons) gives a statement of the condition of the law at the present day. A desire to be methodical leads to the mistake here of introducing as canons what should be treated as exceptions rather than independent and co-ordinate principles. It is rather surprising to read at the outset a defence of the theory that consideration may be regarded as a benefit conferred on the promisor, and that consideration to-day is a matter of procedure rather than of substantive law. Indeed, the latter statement is subsequently contradicted.

The next two chapters treat of the law during the time of the Abridgments and earlier; while the last chapter is a chronological recapitulation down to the present day.

In brief, Mr. Jenks states that the action of assumpsit developed from actions of tort through the action on the case; and that the *breach* was the prominent feature, — not the *undertaking*, which was treated merely as an incident. The necessity of consideration was carried over from the action of debt, and grew from a mere point in procedure to an essential element of the contract. "On the whole," he says, "the great interest of the subject lies in the fact that it affords perhaps the best instance in the domain of legal biology of an unconscious adoption of a rudimentary and apparently casual organ to important and complex purposes."

G. R. P.

UNITED STATES CIRCUIT COURT OF APPEALS, Vol. I. St. Paul: West Publishing Co., 1892.

This series of reports covers the same ground as the official series published by Banks & Brothers. The reports and headnotes are made by the "Editorial Staff of the National Reporter System." How they compare in accuracy and completeness with the authorized reports only a detailed examination would show. The volume is rather cheaply got up, with narrow margins and small type. N. H.